REMARKS/ARGUMENTS

AMENDMENT TO THE SPECIFICATION

Applicant's undersigned attorney is herewith updating the respective and related application serial number to the related applications that were contemporaneously-filed on June 23, 2003.

INFORMATION DISCLOSURE STATEMENT

Applicant's undersigned attorney herewith submit an Information Disclosure Statement citing the references from pending related-applications herein identified in the "Cross-Reference to Related Applications" section of the Specification.

Claims 1-10, 12-13, 15, 17-19, 21-23, 25-34, 36-37, 39-43, and 45-47 are pending in this application.

CLAIM OBJECTIONS

Claims 2, 7 and 31 have been amended to overcome their objections based on informalities.

CLAIM REJECTIONS UNDER 35 USC 102(E)

Claims 1-3, 11-27 and 35-48 are rejected under 35 USC 102(e) as being anticipated by US patent no. 6,940,545 to Ray et al. Claims 11, 14, 16, 20, 24, 35, 38, 40, 44 and 48 have been canceled rendering their rejection moot. Each of claims 1-3, 12-13, 15, 17-19, 21-23, 25-27, 36-37, 39, 41-43 and 45-47, as now amended, is allowable because Ray et al. do not disclose each and every element of the recited invention.

Claim 1, as now amended, recites a method including performing auto focus on a plurality of groups of pixels by calculating a weighted average on the individual objects of said groups, and wherein identifying of face pixels is automatically performed by an image processing apparatus which receives a relative value as to an estimated importance of detected regions, and wherein the estimated importance of said detected regions of faces is based on at least one parameter including size of said faces, location of said faces within said captured image, or relative exposure of said faces, or combinations thereof.

The Examiner has cited column 7, lines 40-44 in generally rejecting the features previously of claims 11 and 16. However, that section of Ray et al. disclose only to focus on a preponderance of faces or on a largest face; the former implying that the focus will be set where the largest density of faces, i.e., number of faces per square inch, is found in an image, and the latter simply focusing on the largest face. In short, Applicants' invention, as set forth at amended claim 1, uses a weighted average and an estimated importance of detected regions is based on size of faces, location of faces within an image and/or relative exposure of faces, while Ray et al. merely select a focus position at being on the one largest face, or at some geometrical center of density of faces in the image neither of which includes Applicants' recited invention.

Claims 2-3, 12-13 and 15 are allowable as being dependent upon amended claim 1. Claim 25, as now also amended, is allowable for the same reasons as claim 1. Claims 26-28, 36-37 and 39 are allowable as being dependent upon amended claim 25.

Claim 17, as now amended, requires identifying a face and determining its location within a digitally-detected image, and automatically adjusting the location of the face upon comparing the location with a desired location of the face. The

Examiner cited column 4, lines 15-66 and column 6, line 57-column 7, line 44 in
rejecting previous claim 20. However, those sections Ray et al. only disclose an
algorithm for locating faces within a digital image, and do not disclose to
automatically adjust the face locations from an initial location to a desired
location within the digital image. Claims 18-19 are allowable as being dependent
upon claim 17.

Claim 21, as now amended, requires identifying a face and determining its initial
location within a digitally-detected image, and automatically providing an option
for adjusting the location of the face upon comparing the initial location with a
desired location of the face. The Examiner cited column 4, lines 15-66 and
column 6, line 57-column 7, line 44 in rejecting previous claim 20. However,
those sections Ray et al. only disclose an algorithm for locating faces within a
digital image, and do not disclose to automatically adjust the face locations from
an initial location based on comparing the initial location with a desired location.
Claims 22-23 are allowable as being dependent upon claim 17. Claims 41-43
and 45-47 are allowable for the same reasons as claims 17-19 and 21-23.

CLAIM REJECTIONS UNDER 35 USC 103

Claims 4-10 and 28-34 are rejected under 35 USC 103(a) as being unpatentable
over Ray et al. in view of US published patent application no. 2003/0071908 to
Sannoh et al. No combination of Ray et al. and Sannoh et al. teaches or
suggests all of the elements of any of these claims. Claim 4 is allowable as
being dependent from amended claim 1. Claim 28 is allowable as being
dependent upon amended claim 25.

The rejection of claims 5-10 and 29-34 is respectfully traversed. The Examiner
concedes that Ray et al. is silent regarding manually removing one or more
groups of pixels corresponding to an image of a face. Sannoh et al. also do not

teach or suggest the manual removal of faces, as required at each of claims 4-10 and 28-34. The Examiner cited Figures 6c-d and sections [0105] and [0108] of Sannoh et al., but those section only disclose an auto-focusing method and do not teach of suggest manually removing one or more groups of pixels corresponding to an image of a face.

With regard to claims 6 and 30, Sannoh et al. also do not teach or suggest the manual removal of a false indication of a face. This advantageous feature allows a user to remove a false indication that some other object is to be considered as a face, e.g., for further processing.
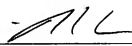
The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account <u>No. 50-2019</u>. **A duplicate page is enclosed**.

Respectfully submitted,

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Dated: <u>January 12, 2007</u>   By _____

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teach or suggest the manual removal of faces, as required at each of claims 4-10 and 28-34. The Examiner cited Figures 6c-d and sections [0105] and [0108] of Sannoh et al., but those section only disclose an auto-focusing method and do not teach of suggest manually removing one or more groups of pixels corresponding to an image of a face.

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